IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 606 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE M.C.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHERALI @ SHERU JUSAF MIYANA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 606 of 1990

MR BA VAISHNAV for Petitioner No. 1

Mr. B.D. Desai, APP for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE M.C.PATEL

Date of decision: 18/11/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE M.H.KADRI)

1. Learned Additional Public Prosecutor, Mr. B.D. Desai, on instructions received from the Central Prison, Ahmedabad, has made a statement before the Court that the sole appellant, SHERALI @ SHERU JUSAF MIYANA, while in custody, had expired on February 23, 1995. The learned APP has also produced the report submitted by the Jail Superintendent, Ahmedabad Central Prison, to that effect. The report is ordered to be taken on record.

2. In that view of the matter, the appeal against the conviction of the sole appellant finally abates under the provisions of Section 394 of the Code of Criminal Procedure, 1973. Order accordingly.

(M.H. Kadri, J.)

(M.C. Patel, J.)

(swamy)